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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *4011-785*

13 **JAMES FREDERICK ALLEN**
14 **417 Tampico Way**
15 **Pensacola, FL 32506**
16 **Registered Nurse License No. 616926**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about April 9, 2003, the Board of Registered Nursing issued Registered Nurse
23 License Number 616926 to James Frederick Allen (Respondent). The Registered Nurse License
24 expired on May 31, 2005, and has not been renewed.
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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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1 Louisiana for a minimum of 24 hours-per-week for a minimum of 18 consecutive months; (13) by
2 the first of each month, submit a monthly probation fee to the Louisiana Board; and (14) not have
3 any misconduct, criminal violations, convictions, or violations of any health care regulations. On
4 or about June 10, 2009, the Louisiana Board entered an Order approving and accepting the
5 Consent Order.

6 10. The underlying conduct supporting the Louisiana Board's disciplinary action is that
7 on or about August 13, 2008, Respondent was arrested by the Baton Rouge Sheriff's Office for
8 theft of over \$200.00, sale and use of narcotic/paraphernalia sale and use, and possession of
9 Schedule II drugs. On or about August 15, 2008, Respondent self-reported to the Louisiana
10 Board that he had a problem with substance dependence and admitted himself for inpatient
11 evaluation the following day. On or about August 20, 2008, Respondent entered the RNP and
12 subsequently completed the inpatient treatment during which time he was diagnosed with alcohol
13 and opiate dependence, in early remission. On or about December 8, 2008, Respondent was
14 cleared to return to nursing practice.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
17 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

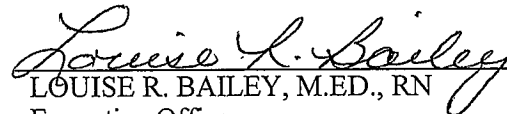
18 1. Revoking or suspending Registered Nurse License Number 616926, issued to James
19 Frederick Allen;

20 2. Ordering James Frederick Allen to pay the Board of Registered Nursing the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 18, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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